UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,813	05/01/2001	Curt Wohlgemuth	OMNI0008	6351

7590 07/03/2007	EXAMINER
PERKINS COIE LLP	LANIER, BENJAMIN E
ATTN: Mr. Brian R. Coleman	

ART UNIT	PAPER NUMBER
2132	

101 Jefferson Drive
Menlo Park, CA 94025

MAIL DATE	DELIVERY MODE
07/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	09/847,813	WOHLGEMUTH ET AL.
Office Action Summary	Examiner	Art Unit	
	Benjamin E Lanier	2132	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 June 2007</u>.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
　　closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,10-12,19,25,35-37,40,41 and 43-50</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>1-3,10-12,19,25 and 43-50</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>35-37,40 and 41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　　1.☐ Certified copies of the priority documents have been received.

　　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election of Species 2 in the reply filed on 25 June 2007 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the

restriction requirement, the election has been treated as an election without traverse (MPEP

§ 818.03(a)).

2.   Claims 1-3, 10-12, 19, 25, 43-50 are withdrawn from further consideration pursuant to 37

CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or

linking claim. Election was made **without** traverse in the reply filed on 25 June 2007.

Response to Arguments

3.   Applicant argues, in the remarks dated 10 May 2007, that Vinson does not disclose

"whether to grant an access based on the history of previous requests…using a pre-determined

pattern of piracy…whether a critical section of streaming software files that requires protection

from piracy is being requested." This argument is used for all claims drawn to the elected species

(claims 35-57, 40, and 41).

4.   In response, because Applicant elected species 2, the above mentioned claim limitations

are now drawn to non-elected species and are considered withdrawn from consideration.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b). by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.　　　Claims 35-37, 40, 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Vinson, U.S. Patent No. 6,453,334. Referring to claims 35-36, Vinson discloses a method and apparatus to allow remotely located computer programs to be accessed on a local computer using a network file system that simulates a local drive on a client computer (Col. 1, lines 13-24 & Col. 2, lines 37-43). The user uses their web browser to navigate a web site, and clicks on link indicating a target program listed on a web page (Col. 5, lines 40-42). The link points to the index file for that target program. (Col. 5, lines 42-43). The web browser initiates retrieval of the index file, and based on the MIME type for the index file, knows that the index file should be downloaded to the client machine and the client agent started with the location of the index file given as an argument to the client agent (Col. 5, lines 43-52). When authenticated the FSD will add a newly created process to its list of processes that can access the files referenced by the index file (Col. 7, lines 28-37). All file operations are handled by the FSD, which downloads, caches, decompresses, and decrypts the pieces of the program as needed (Col. 7, lines 47-50), which meets the limitation of a processing device for processing a request for access to streaming software files stored on at least one server system that is remote from said processing device. For requests that contain a path, access will be granted to each top level directory in which the corresponding program descriptor block contains the current process ID in it's process access list (Col. 14, lines 42-46). Requests that do not contain a path are handled on a case-by-case manner (Col. 14, lines 52-53), which meets the limitation of a redirector component that is associated with said processing device for informing said processing device of one or more locations in which said streaming software files are stored. Before the target files are accessed

(Col. 6, lines 52-58), authentication is performed based upon a username and password (Col. 6, lines 25-28, 47-49), which meets the limitation of wherein said processing device comprises a component that determines whether to grant requests for access to said streaming software files based on whether an originating process that is making said requests for access is a trusted process.

Referring to claim 37, Vinson discloses a method and apparatus to allow remotely located computer programs to be accessed on a local computer using a network file system that simulates a local drive on a client computer (Col. 1, lines 13-24 & Col. 2, lines 37-43). The user uses their web browser to navigate a web site, and clicks on link indicating a target program listed on a web page (Col. 5, lines 40-42). The link points to the index file for that target program. (Col. 5, lines 42-43). The web browser initiates retrieval of the index file, and based on the MIME type for the index file, knows that the index file should be downloaded to the client machine and the client agent started with the location of the index file given as an argument to the client agent (Col. 5, lines 43-52). When authenticated the FSD will add a newly created process to its list of processes that can access the files referenced by the index file (Col. 7, lines 28-37). All file operations are handled by the FSD, which downloads, caches, decompresses, and decrypts the pieces of the program as needed (Col. 7, lines 47-50), which meets the limitation of a filtering means for filtering requests for access to streaming software application program files stored remotely from said filtering means. For requests that contain a path, access will be granted to each top level directory in which the corresponding program descriptor block contains the current process ID in it's process access list (Col. 14, lines 42-46). Requests that do not contain a path are handled on a case-by-case manner (Col. 14, lines 52-53), which meets the limitation of a

redirection means for revealing one or more locations in which said streaming software application program files are stored. Before the target files are accessed (Col. 6, lines 52-58), authentication is performed based upon a username and password (Col. 6, lines 25-28, 47-49), which meets the limitation of wherein said filtering means includes an evaluation means for evaluating an originating process that is making said requests for access.

Referring to claim 40, Vinson discloses a method and apparatus to allow remotely located computer programs to be accessed on a local computer using a network file system that simulates a local drive on a client computer (Col. 1, lines 13-24 & Col. 2, lines 37-43). The user uses their web browser to navigate a web site, and clicks on link indicating a target program listed on a web page (Col. 5, lines 40-42). The link points to the index file for that target program. (Col. 5, lines 42-43). The web browser initiates retrieval of the index file, and based on the MIME type for the index file, knows that the index file should be downloaded to the client machine and the client agent started with the location of the index file given as an argument to the client agent (Col. 5, lines 43-52). When authenticated the FSD will add a newly created process to its list of processes that can access the files referenced by the index file (Col. 7, lines 28-37). All file operations are handled by the FSD, which downloads, caches, decompresses, and decrypts the pieces of the program as needed (Col. 7, lines 47-50). For requests that contain a path, access will be granted to each top level directory in which the corresponding program descriptor block contains the current process ID in it's process access list (Col. 14, lines 42-46). Requests that do not contain a path are handled on a case-by-case manner (Col. 14, lines 52-53), which meets the limitation of providing information relating to one or more remote locations where streaming software files are stored. Before the target files are accessed (Col. 6, lines 52-58), authentication

is performed based upon a username and password (Col. 6, lines 25-28, 47-49), which meets the

limitation of determining whether an originating process that is making said requests for access

is a trusted process.

Referring to claim 41, Vinson discloses a method and apparatus to allow remotely located

computer programs to be accessed on a local computer using a network file system that simulates

a local drive on a client computer (Col. 1, lines 13-24 & Col. 2, lines 37-43). The user uses their

web browser to navigate a web site, and clicks on link indicating a target program listed on a

web page (Col. 5, lines 40-42). The link points to the index file for that target program. (Col. 5,

lines 42-43). The web browser initiates retrieval of the index file, and based on the MIME type

for the index file, knows that the index file should be downloaded to the client machine and the

client agent started with the location of the index file given as an argument to the client agent

(Col. 5, lines 43-52). When authenticated the FSD will add a newly created process to its list of

processes that can access the files referenced by the index file (Col. 7, lines 28-37). All file

operations are handled by the FSD, which downloads, caches, decompresses, and decrypts the

pieces of the program as needed (Col. 7, lines 47-50). For requests that contain a path, access

will be granted to each top level directory in which the corresponding program descriptor block

contains the current process ID in it's process access list (Col. 14, lines 42-46). Requests that do

not contain a path are handled on a case-by-case manner (Col. 14, lines 52-53), which meets the

limitation of a means for providing location information to a local computing system of

streaming software files that are stored on one or more remote locations. Before the target files

are accessed (Col. 6, lines 52-58), authentication is performed based upon a username and

password (Col. 6, lines 25-28, 47-49), which meets the limitation of a means for examining

requests for access to said streaming software files, a means for determining whether said

requests can be granted based on whether an originating process that is making said requests for

access is a trusted process, a means for forwarding said requests to a corresponding server that is

responsible for serving said streaming software files if said requests are granted.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805.

The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin E. Lanier